

JANUARY 2004 AGENDA

Dec 22nd, 2003

The Administrative Rules Review Committee will hold a special meeting on Tuesday, January 6, 2004, at 8:30 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

BULLETINS NEEDED FOR THIS MEETING: No. 12, 13 ([12/10/03](#), [12/24/03](#))

| | | Also refer to: | Bulletin | Page |
|--------------|---|------------------------------|----------|------|
| 8:30 | MEDICAL EXAMINERS BOARD[653] | Ann Mowery (242-3268) | | |
| | PUBLIC HEALTH DEPARTMENT[641]“umbrella” | | | |
| | Resident, special and temporary physician licensure, 10.1, 10.3(1)“a,” | | | |
| | 10.4(2)“d,” 10.5(2)“b”(3), <u>Filed</u> ARC 3044B | 12/24/03 | 1145 | |
| | Standards of practice and principles of medical ethics, ch 13 title, | | | |
| | 13.7, 13.10, 13.20, 13.21; rescind ch 18, <u>Filed</u> ARC 3045B | 12/24/03 | 1146 | |
| | Licensure of acupuncturists, 17.4(1)“b,” 17.5(3)“g,” 17.7, 17.8(1)“d,” <u>Notice</u> ARC 3043B | 12/24/03 | 1107 | |
| | Physician supervision of a physician assistant, | | | |
| | ch 21 title, 21.1 to 21.5, 21.7, <u>Filed</u> ARC 3042B | 12/24/03 | 1147 | |
| 8:50 | ADMINISTRATIVE SERVICES DEPARTMENT[11] | Carol Stratemeyer (281-6134) | | |
| | Offset of debts owed state agencies, adopt ch 40, <u>Notice</u> ARC 3066B , | | | |
| | also <u>Filed Emergency</u> ARC 3063B | 12/24/03 | 1126 | |
| | Pay; recruitment, application and examination; eligible lists; filling vacancies; appointments; | | | |
| | probationary period; promotion, transfer, temporary assignment, reassignment and voluntary demotion; | | | |
| | political activity; conduct of employees; drug use and drug tests, renumber 581—chs 4 to 10, 16, 18 as | | | |
| | 11—chs 53 to 59, 65, 66 and rule 581—19.16 as 11—54.7; amend 53.5(3) to 53.5(6), | | | |
| | 53.6(10) to 53.6(12), 53.7(2)“a,” 53.7(5)“d,” 53.8(1), 53.9(5), 53.13, 54.1(1), 54.2(4)“a,” 54.2(6), | | | |
| | 54.2(7), 54.4(2)“c,” 54.7(4), 55.1(1), 55.1(2), 55.2, 56.3(1), 56.4, 56.7, 57.2, 57.5, 58.2 to 58.6, | | | |
| | 59.2, 65.3, 66.2(1), 66.2(2)“c,” 66.5(2), <u>Notice</u> ARC 3036B | 12/24/03 | 1097 | |
| | Employee organization dues, renumber 581—ch 23 as 11—ch 70, <u>Notice</u> ARC 3065B | 12/24/03 | 1100 | |
| 9:20 | DENTAL EXAMINERS BOARD[650] | Jennifer Hart (281-0997) | | |
| | PUBLIC HEALTH DEPARTMENT[641]“umbrella” | | | |
| | Public health supervision by dentists, 10.5, 10.6, <u>Filed</u> ARC 3041B | 12/24/03 | 1142 | |
| 9:40 | ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261] | Melanie Johnson (242-4862) | | |
| | Grow Iowa values fund assistance—Iowa jobs training program, accelerated career education (ACE) program, | | | |
| | 7.9(2)“j,” 7.28 to 7.35, ch 20 div V, 20.19, <u>Filed Emergency After Notice</u> ARC 3029B | 12/24/03 | 1129 | |
| | Workforce training and economic development funds, adopt ch 9, | | | |
| | <u>Filed Emergency After Notice</u> ARC 3028B | 12/24/03 | 1131 | |
| | Iowa community development block grant program, 23.2, 23.4(4), 23.7(1), | | | |
| | <u>Notice</u> ARC 3033B , also <u>Filed Emergency</u> ARC 3031B | 12/24/03 | 1134 | |
| | Endow Iowa grants program, adopt ch 46, <u>Filed</u> ARC 3026B | 12/24/03 | 1142 | |
| | Endow Iowa tax credits, adopt ch 47, <u>Filed</u> ARC 3027B | 12/24/03 | 1144 | |
| | Community economic betterment program—wage thresholds, 53.6(1), | | | |
| | <u>Notice</u> ARC 3032B , also <u>Filed Emergency</u> ARC 3030B | 12/24/03 | 1135 | |
| | Enterprise zones, 59.8, 59.8(1)“a” to “c,” 59.8(1)“d”(5), 59.8(2), | | | |
| | 59.8(2)“a” and “b,” <u>Notice</u> ARC 3035B | 12/24/03 | 1101 | |
| | Loan and credit guarantee program, adopt ch 69, <u>Notice</u> ARC 3034B | 12/24/03 | 1102 | |
| 10:00 | EDUCATION DEPARTMENT[281] | Carol Greta (281-5296) | | |
| | Professional development, ch 12 div VII title, 12.7, | | | |
| | <u>Notice</u> ARC 2499B , <u>Amended Notice</u> ARC 2542B , <u>Terminated</u> ARC 3025B | 12/10/03 | 1001 | |
| | Course for drinking drivers—administrative fees, 21.33, <u>Filed</u> ARC 2994B | 12/10/03 | 1051 | |
| | Funding for children residing in state institutions or mental health institutes, adopt ch 34, <u>Filed</u> ARC 2995B | 12/10/03 | 1051 | |
| | Career academies, ch 47, <u>Filed</u> ARC 2996B | 12/10/03 | 1051 | |
| | Iowa public charter schools, adopt ch 68, <u>Filed</u> ARC 2998B | 12/10/03 | 1053 | |
| | Teacher quality program—professional development for school districts, | | | |
| | 83.6(2) to 83.6(4), <u>Notice</u> ARC 2999B | 12/10/03 | 1001 | |
| | Regional academies—funding, 97.1, 97.4(1)“c,” 97.4(4) to 97.4(6), <u>Filed</u> ARC 2997B | 12/10/03 | 1053 | |

10:20 to 10:25 break

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| 10:25 | ENVIRONMENTAL PROTECTION COMMISSION[567] | Marla Gallardo | (281-8678) | |
| | NATURAL RESOURCES DEPARTMENT[561]“umbrella” | | | |
| | Controlling air pollution—small unit exemption, 22.1(2)“w,” <u>Filed ARC 3006B</u> | 12/10/03 | 1054 | |
| | Commercial and industrial solid waste incineration (CISWI) units—emissions, 23.1(5)“c,” <u>Notice ARC 3005B</u> | 12/10/03 | 1026 | |
| | Open burning, 23.2(2), 23.2(3)“a,” “g” and “i,” <u>Filed ARC 3007B</u> | 12/10/03 | 1054 | |
| | Reauthorization of NPDES general permit no. 4, 64.15(4), 69.1(2), 69.2, 69.9(1)“c,” 69.10(6), 69.11(1)“c,” <u>Filed ARC 3008B</u> | 12/10/03 | 1056 | |
| 10:40 | NATURAL RESOURCE COMMISSION[571] | Marla Gallardo | (281-8678) | |
| | NATURAL RESOURCES DEPARTMENT[561]“umbrella” | | | |
| | Bait dealer licenses—definitions of “retail” and “wholesale,” 15.1(1), <u>Filed ARC 3013B</u> | 12/10/03 | 1058 | |
| | State parks and recreation areas, 61.4(1)“c,” 61.4(1)“g”(2), 61.4(1)“h”(3) and (6) to (10), 61.6(1) to 61.6(4), 61.9(6) to 61.9(22), <u>Filed ARC 3015B</u> | 12/10/03 | 1059 | |
| | Bobcat removed from list of threatened species, 77.2(2), <u>Filed ARC 3014B</u> | 12/10/03 | 1059 | |
| | Fishing regulations, 81.1, 81.2(1), 81.2(3), 81.2(12)“b,” <u>Filed ARC 3011B</u> | 12/10/03 | 1059 | |
| | Shovelnose sturgeon removed from and silver carp added to list of permissive catch on the Missouri River, 82.2(1), <u>Filed ARC 3010B</u> | 12/10/03 | 1060 | |
| | Taking and possession of mussels for sport, 87.2, <u>Filed ARC 3012B</u> | 12/10/03 | 1060 | |
| | Nonresident deer hunting—minimum arrow length, licenses, 94.7(1), 94.8, 94.8(1), 94.8(2), 94.10(7), <u>Notice ARC 3009B</u> | 12/10/03 | 1030 | |
| | Wild turkey spring hunting, 98.2(1)“b,” 98.3, 98.5, 98.13(1), 98.14, 98.16, <u>Filed ARC 3016B</u> | 12/10/03 | 1061 | |
| 11:00 | REVENUE DEPARTMENT[701] | Dave Casey | (281-6163) | |
| | Interest rate for calendar year 2004, 10.2(23), <u>Notice ARC 2991B</u> | 12/10/03 | 1039 | |
| | Individual income tax; corporate tax, 38.8, 39.6(2)“f,” 40.1, 40.18(1)“a”(1), 40.28, 41.3, 42.10, 43.1(1), 46.3(2)“a,” 46.4(5), 50.3, 52.1(3), 52.12, 53.2(1)“a”(1), 53.19, 54.6(3), 54.6(3)“b”(2), 59.1, 89.8(7)“t”“4,” 89.8(8)“c,” <u>Notice ARC 3061B</u> | 12/24/03 | 1114 | |
| | Individual income tax, 38.10, 38.10(1) to 38.10(17), 40.17, 40.38(7), 41.5(7), 42.2(8), 42.4(3)“b” and “c,” 42.22, 43.3(1), 43.3(15), <u>Notice ARC 3062B</u> | 12/24/03 | 1118 | |
| | Investment tax credit for equity investment in qualifying business or community-based seed capital fund; contingent tax credit for investments in Iowa fund of funds, 42.18(1), 42.18(3), 52.21(3), 58.11(3), <u>Filed ARC 3058B</u> | 12/24/03 | 1151 | |
| | Endow Iowa tax credits, 42.20, 52.23, 58.13, <u>Filed ARC 3057B</u> | 12/24/03 | 1151 | |
| | Determination of value of utility companies, 77.1(1), 77.1(13), 77.4(4)“g” to “j,” 77.4(6), 77.5(1), 77.6, <u>Filed ARC 3059B</u> | 12/24/03 | 1152 | |
| | Violations of the sale of cigarettes or tobacco products—penalties, 81.12(1), <u>Filed ARC 3060B</u> | 12/24/03 | 1153 | |
| 11:15 | CREDIT UNION DIVISION[189] | James Forney | (281-6514) | |
| | COMMERCE DEPARTMENT[181]“umbrella” | | | |
| | Conversion of an Iowa-chartered credit union to another charter type, adopt ch 3, <u>Filed Emergency ARC 2985B</u> | 12/10/03 | 1040 | |
| 11:30 | HUMAN SERVICES DEPARTMENT[441] | Nancy Freudenberg | (281-8438) | |
| | Nursing facilities—quality assurance assessment, quality assurance payment, ch 36 title and preamble, ch 36 div II, 36.6 to 36.8, 81.6(21), <u>Notice ARC 3022B</u> , also <u>Filed Emergency ARC 3021B</u> | 12/10/03 | 1043 | |
| | Diversion initiatives, ch 47 title and preamble, ch 47 div I title and preamble, 47.1 to 47.4, 47.5(1), 47.5(1)“a” and “e” to “i,” 47.5(2), 47.5(3), 47.6, 47.7(1), 47.7(1)“d,” 47.7(2) to 47.7(4), 47.8, 47.9, 47.10(2), 47.10(3)“a,” 47.11, 47.21, ch 47 divs III and IV, <u>Filed Emergency After Notice ARC 3017B</u> | 12/10/03 | 1045 | |
| | Annual adjustments to the state supplementary assistance and Medicaid programs, 51.4(1), 51.7, 52.1(1), 52.1(2), 52.1(3)“a”(2), 75.5(3)“d,” 75.16(2)“d”(3), <u>Notice ARC 3024B</u> , also <u>Filed Emergency ARC 3023B</u> | 12/10/03 | 1046 | |
| | State supplementary assistance reimbursement rates for in-home health-related care and care in residential care facilities, 52.1(3), 177.4(3), 177.4(7), 177.4(8)“b,” <u>Filed ARC 3019B</u> | 12/10/03 | 1057 | |
| | Food assistance program, ch 65 title and preamble, 65.1 to 65.4, 65.4(1), 65.4(4), 65.4(4)“a,” 65.5, 65.8(9), 65.9, 65.11, 65.13(1) to 65.13(3), 65.16, 65.19, 65.19(2)“b,” 65.19(8), 65.19(12), 65.19(16), 65.19(18)“a” and “b,” 65.19(19), 65.21(4), 65.21(5), 65.22(1)“b” and “g,” | | | |

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|--------------|--|-------------------------------|
| | HUMAN SERVICES DEPARTMENT[441] continued | |
| | 65.22(3), 65.23(1), 65.24, 65.25, 65.27(1), 65.28(1), 65.28(7), 65.28(8), 65.28(8)“a” and “b,” 65.28(9)“j,” 65.28(11)“b,” 65.28(12)“a,” 65.28(13), 65.28(16), 65.29(2), 65.29(10), 65.30(3), 65.30(4), 65.31, 65.37, 65.37(4), 65.39, 65.46, 65.46(2), 65.46(3), 65.46(5), 65.50, 65.52, <u>Filed Emergency After Notice</u> ARC 3018B | 12/10/03 1047 |
| | Medicaid coverage limitations for drugs—prior authorization, preferred drug list, 78.1(2)“a”(3), 78.1(2)“f,” 78.28(1), <u>Filed Emergency</u> ARC 3020B | 12/10/03 1048 |
| 12:00 | COMMITTEE BUSINESS | |
| | Welcome to new members: Sen. Mary Lundby and Rep. Geri Huser (Esq.) | |
| | Select ARRC vice chair | |
| | Approve minutes, Set date for Feb. meeting, Misc. business | |
| | 12:10p.m. to 1:15p.m. lunch | |
| 1:15 | SPECIAL REVIEW: WAIVERS AND CHARTER AGENCIES | |
| | A general discussion of charter agency ability to waive rules & process to be followed | |
| 1:30 | ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351] Charlie Smithson (281-3489) | |
| | Exception from reporting requirement—voluntary reports, 4.11, <u>Notice</u> ARC 3048B | 12/24/03 1104 |
| | Candidate debate—media organization; debate structure and funding; contribution reporting inapplicable, 4.51, <u>Notice</u> ARC 3046B | 12/24/03 1105 |
| | Use of public resources for a political purpose, adopt ch 5, <u>Notice</u> ARC 3047B | 12/24/03 1105 |
| 1:50 | LAW ENFORCEMENT ACADEMY[501] Penny Westfall (242-5357) | |
| | SPECIAL REVIEW by Rep. Eichhorn | |
| | Reserve officer personal standards, ch 10 title, div I 10. 1 to 10.10, div II, 10.100 to 10.106, <u>Notice</u> ARC 2978B | 11/26/03 947 |
| 2:10 | PUBLIC SAFETY DEPARTMENT[661] Mike Coveyou (281-5042) | |
| | Fire safety—adult day services programs, 5.5(2)“c” to “f,” 5.500, 5.510, <u>Notice</u> ARC 2983B | 12/10/03 1036 |
| | Fire safety—assisted living facilities, 5.626, <u>Notice</u> ARC 2984B | 12/10/03 1037 |
| | Fire fighting equipment revolving loan fund, ch 55 title, ch 55 div I, 55.1 to 55.3, 55.101 to 55.103, ch 55 div II, 55.201 to 55.207, <u>Filed Emergency</u> ARC 3050B | 12/24/03 1139 |
| | Fire fighting equipment revolving loan fund, ch 55 title, ch 55 div I, 55.1 to 55.3, 55.101 to 55.103, ch 55 div II, 55.201 to 55.207, <u>Notice</u> ARC 3051B | 12/24/03 1108 |
| 2:30 | INSPECTIONS AND APPEALS DEPARTMENT[481] David Werning (281-7376) | |
| | Long-term care facilities—involuntary discharge or transfer of a resident, 57.2(3), 57.36(1)“f” and “h,” 58.2(3), 58.40(1)“f” and “h,” 62.4(3), 62.14(4)“b”(3) and (5), 63.2(3), 63.34(1)“f” and “h,” 64.2(3), 64.36(1)“f” and “h,” 65.4(3), 65.16(6)“a” and “d,” <u>Notice</u> ARC 2987B | 12/10/03 1028 |
| | Bingo—exceptions to licensing requirements, 103.3(4), <u>Filed</u> ARC 2986B | 12/10/03 1058 |
| 2:45 | ELDER AFFAIRS DEPARTMENT[321] Mary Ann Young (242-3312) | |
| | Adult day services programs; elder family homes; representative payee program and bill payer program, chs 22 to 24, <u>Notice</u> ARC 3002B | 12/10/03 1003 |
| | Assisted living programs; non-facility-based respite care, ch 25, <u>Notice</u> ARC 3001B | 12/10/03 1012 |
| | Elder group homes; monitoring, civil penalties, complaints and investigation for adult day services and assisted living programs; fees, chs 26, 27, 29, <u>Notice</u> ARC 3000B | 12/10/03 1023 |
| | No rep. requested to appear | |
| XX:00 | ACCOUNTANCY EXAMINERS BOARD[193A] | |
| | Professional Licensing and Regulation Division[193] COMMERCE DEPARTMENT[181]“umbrella” | |
| | Certification of CPAs; fees, 3.1 to 3.15, 12.1, <u>Notice</u> ARC 3049B | 12/24/03 1093 |
| XX:00 | ATTORNEY GENERAL[61] | |
| | Quarterly escrow installments from particular nonparticipating manufacturers, adopt ch 5, <u>Notice</u> ARC 2993B | 12/10/03 1000 |

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XX:00 COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]“umbrella”
 Osteopathic physician recruitment program, ch 14 preamble,
 14.1, 14.4(3), 14.4(4), Notice **ARC 2988B** [12/10/03](#) 1000

XX:00 INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]“umbrella”
 Audited financial reports, 5.24(3), 5.25(2), 5.25(4)“f,” 5.25(5),
 5.25(6), Filed Emergency After Notice **ARC 3052B** [12/24/03](#) 1137
 Actuarial opinion and memorandum, 5.34, Filed Emergency After Notice **ARC 3054B** [12/24/03](#) 1138
INSURANCE DIVISION[191] continued
 Iowa FAIR plan, ch 20 div II, 20.41 to 20.60, Filed **ARC 2992B** [12/10/03](#) 1058
 2001 CSO mortality table, 42.6, 44.6, 47.7, adopt ch 91, Filed Emergency After Notice **ARC 3053B** [12/24/03](#) 1138

XX:00 MANAGEMENT DEPARTMENT[541]

Local government innovation fund committee, adopt ch 15, Filed **ARC 3040B** [12/24/03](#) 1145

XX:00 NURSING BOARD[655]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”
 Nursing education curriculum, 2.11(3), Filed **ARC 3055B** [12/24/03](#) 1148
 Registration fee for advanced registered nurse practitioners, 3.1, Filed **ARC 3056B** [12/24/03](#) 1148

XX:00 PERSONNEL DEPARTMENT[581]

IPERS, 21.10(12), 21.10(16), 21.10(19), 21.11(9), 21.16(6), 21.22(1)“d,” 21.24(2)“f,”
 21.24(3), 21.24(5)“f,” 21.24(6)“d,” 21.24(18), 21.30, Filed **ARC 3003B** [12/10/03](#) 1061

XX:00 PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”
 Physical and occupational therapy examiners, ch 199, 199.4(2), 199.4(3), 199.6(3), 199.6(4),
 ch 200, 200.1, 200.3(1)“c” and “d,” 200.4(4), 200.4(5), 200.5(1)“a,” 200.7(2), 200.7(2)“a,”
 200.7(6), 200.9, 200.12 to 200.14, chs 201, 202, 204.1(6) to 204.1(10), Filed **ARC 3039B** [12/24/03](#) 1149
 Physical and occupational therapy examiners, 205.4(2), 205.4(3), 205.6(3), 205.6(4),
 206.1, 206.8(2) to 206.8(5), 206.12, 206.15 to 206.17, chs 208 to 210,
 210.1(5) to 210.1(9), Filed **ARC 3038B** [12/24/03](#) 1150
 Speech pathology and audiology examiners, 300.2 to 300.16, 305.1(5) to 305.1(11), Notice **ARC 2990B** [12/10/03](#) 1031

XX:00 PUBLIC HEALTH DEPARTMENT[641]

Notification and surveillance of reportable communicable and infectious diseases,
 poisonings and conditions, 1.1, 1.4, 1.9, Notice **ARC 2979B** [12/10/03](#) 1032
 Early hearing detection and intervention, adopt ch 3, Filed Emergency After Notice **ARC 2981B** [12/10/03](#) 1049
 Shipment of low-level radioactive waste—fee, 38.8(11)“a”(3),
 38.8(11)“c,” Filed **ARC 2980B** [12/10/03](#) 1062

XX:00 TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]

Purchasing, 5.1 to 5.4, 5.12, 5.13, 5.15, 5.17 to 5.19, Filed **ARC 2982B** [12/10/03](#) 1062

XX:00 UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]“umbrella”
 Customer service, 6.2(1), 6.2(2), 6.3(3), 6.5(2), 19.4(1)“d,” 19.4(10), 19.4(11),
 19.4(15) to 19.4(17), 19.4(19)“a,” 20.4(1)“d,” 20.4(11), 20.4(12), 20.4(14)“g,”
 20.4(15) to 20.4(17), Filed **ARC 2989B** [12/10/03](#) 1063
 Notice of generation siting waiver requests, 24.15, Notice **ARC 3064B** [12/24/03](#) 1123

XX:00 VOTER REGISTRATION COMMISSION[821]

Voter registration applications; lists of registered voters, 2.1, 2.8, 3.10, Notice **ARC 3037B** [12/24/03](#) 1124